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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,653	05/23/2002	Rodolphe Grunenwald	09669/017001	4601
22511	7590	06/28/2004	EXAMINER TAYLOR, BARRY W	
OSHA & MAY L.L.P. 1221 MCKINNEY STREET HOUSTON, TX 77010			ART UNIT 2643	

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/030,653

Applicant(s)

GRUNENWALD, RODOLPHE

Examiner

Barry W Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on no drawings filed is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.                                                |

## **DETAILED ACTION**

### ***Drawings***

1. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81. No new matter may be introduced in the required drawing.

### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in FRANCE on 07/09/1999. It is noted, however, that applicant has not filed a certified copy of the 99/08922 application as required by 35 U.S.C. 119(b).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jansen et al (6,243,450 hereinafter Jansen) in view of Elliott et al (Pub. No.: 2004/00222237 hereinafter Elliott).

Regarding claim 1. Jansen teaches telephony system (see figure 1) comprising several payphones (see item 10 figures 1 and 2, col. 3 line 67) connected to a set of information servers (see 26 figure 1 and plurality of information servers in figure 2) via

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communication network wherein at least one of the information servers is connected with Internet (see top of figure 2 wherein INTERNET connected to at least one information servers) and wherein each payphone is equipped with Internet communication protocols (see right side of figure 3 wherein TERMINALS (i.e. payphones) equipped to communicate with HTML protocol to receive content of WEB server (46 figure 3) or files (see FTP item 48 figure 3).

Jansen fails to use the term IETF.

Elliott teaches a system and method for communicating both voice and data over a packet-switched network that is adapted to coexist and communicate with a PSTN (paragraph 0024) allowing for a more flexible system that can handle calls between any combination of on-network and off-network callers (paragraph 0025) by using IETF protocol (paragraphs 0028, 0036-0037, 0463, 0657, 1512, 1529, claim 11 located on page 145) including pay phones (paragraphs 1321 and 1937).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to modify the central server (item 26 figures 2-3) as taught by Jansen to use IETF protocol as taught by Elliott for the benefit of identifying incoming calls from any network and directing the incoming calls straight to a terminating device which bypasses egress and end office switches thereby reducing cost as taught by Elliott (paragraph 0036).

Regarding claim 2. Jansen teaches using remote access server (see 26 figures 2-3) enabling for payphones to be put into communication with information services

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such as E-mail, e-commerce or INTERNET BROWSING (see top of figure 5), as well as, allowing payphones to receive configuration files (see left side of figure 7, see 58 and 62 figure 3) including rate information (see RATE INFO figure 6).

Regarding claim 3. Jansen teaches communication network as POTS (see 22 figure 1) or digital (see 26 figure 1).

Regarding claim 4. Jansen teaches payphones connected to Internet (see payphones located on col. 1 lines 25, item 36 figure 3, see HTML APPLETS located right side of figure 3 enabling paytelephony ability to receive advertisements, etc.).

Regarding claim 5. Jansen teaches communication interface (see central server item 26 figure 2) located between payphones 10 and information servers 42 and 49.

Regarding claim 6. Jansen teaches standard file transfer (see 48 figure 3).

Regarding claim 7. Jansen teaches payphone management sessions include files (see CONFIG. & CONTENT FILES item 66 figure 3).

Regarding claim 8. Jansen teaches the CONFIG. & CONTENT FILES contain rate information (see item 62 figure 3 having rate information—col. 6 lines 1-2).

Regarding claim 9. Jansen teaches files include payphone status (col. 5 line 45 – col. 6 line 20).

Regarding claim 10. Jansen teaches file server (see item 48 figure 3).

Regarding claim 11. Jansen teaches providing services (see MESSAGING SERVICES top of figure 5).

Regarding claim 12. Jansen teaches set of servers arranged into local network (see INTRANET middle of figure 2 used for set of servers 27).

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Regarding claim 13. Jansen teaches on-line services (see E-MAIL or TICKET SALES top of figure 5).

Regarding claim 14. Jansen teaches services include electronic mail (see E-MAIL figure 5), E-commerce (see ELECT COMMERCE top of figure 5).

Regarding claim 15. Jansen teaches using HTML linked to keyboard selection inputted via user of payphone (col. 8 line 16 – col. 9 line 45).

Regarding claim 16. Jansen teaches other services such as municipal (see NEWS CLIPS top of figure 5) and other pay-per-use web services offered at payphone (col. 11 line 13).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.

  
CURTIS KUNTZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600